

**IN THE WATER TRIBUNAL OF SOUTH AFRICA  
HELD IN BELVILLE, CAPE TOWN**

**CASE NO: WT09/22/WC**

Before:

Adv Puseletso Loselo, Chairperson of the Water Tribunal

Mrs Lahlane Malema, Additional member of the Water Tribunal

Heard on 18 October 2023

Order granted on 23 October 2023

In the matter between:

**CEDAR VISTA FARMING CC**

**Appellant**

and

**THE DEPARTMENT OF WATER AND SANITATION**

**Respondent**

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**ORDER**

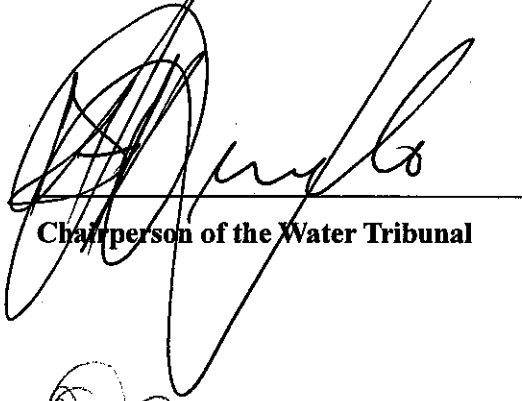
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Having heard the legal representatives of both parties and having read the papers, the following order is made by agreement between the parties:

1. The matter is remitted to the Respondent to issue a license to the Appellant for a water use licence ("the WUL") for water use in terms of section 21(a) of the National Water Act 26 of 1998 ("the Act") of the application to the appellant for the taking of 575 000m<sup>3</sup>/a of groundwater, subject to the following conditions to be imposed on the WUL:

- (a) The Appellant must implement a groundwater monitoring programme;
  - (b) The WUL will be valid for 20 years, which is reviewable every five years; and
  - (c) The Appellant may approach the Respondent after the first five years of the WUL's validity period to apply for an increase in the quantity of ground water to a maximum of  $975\,000\text{m}^3/\text{a}$ , provided that the groundwater monitoring programme results support that increased taking or extraction.
2. The Respondent is to issue the WUL referred to paragraph 1 within a period of 60 days from the date on which the Appellant resubmitted its water use licence application ("the WULA").
3. The WULA referred to in paragraph 2 will only include the original WULA and supporting documents and the supplementary grounds of appeal submitted by the Appellant on 19 November 2019 and the 31 August 2022, respectively, namely:
- (a) an application for a water use licence submitted to the Respondent on 19 November 2019 under reference number WU 12859, including the Hydrogeological report by GEOSS dated 19 November 2019, and all annexures thereto;
  - (b) an appeal lodged on behalf of the Appellant by GEOSS dated 13 May 2022 together with Appendix A;
  - (c) a supplementary appeal by GEOSS dated 27 August 2022 with Appendices A and B as well as the Groundwater Monitoring Report by GEOSS, with appendices A and B.
4. The 60 days referred to above shall be reckoned from the date on which the Appellant has physically delivered or electronically uploaded the information referred to in paragraph 3 above.

5. Should the Respondent fail to issue the WUL within the period stated in this order, the Appellant may approach the Water Tribunal on the same papers, which may be supplemented, for an order issuing the WUL on conditions set out in paragraph 1 of this order.

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**Chairperson of the Water Tribunal**

A smaller, stylized handwritten signature in black ink, written below the signature of the Chairperson.

**Additional member of the Water Tribunal**